

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
NORTHWESTERN DIVISION**

|                                |   |  |
|--------------------------------|---|--|
| United States of America,      | ) | <b>ORDER GRANTING PLAINTIFF'S<br/>MOTION TO DISMISS DEFENDANTS</b>   |
|                                | ) | <b>NORTH DAKOTA STATE TAX<br/>COMMISSIONER, BURKE COUNTY<br/>DIRECTOR OF TAX EQUALIZATION<br/>AND MONTANA-DAKOTA UTILITIES<br/>CO.</b> |
| Plaintiff,                     | ) |  |
|                                | ) |  |
| vs.                            | ) |  |
|                                | ) |  |
| 184,378 Square Feet of Land in | ) |  |
| City of Portal, Burke County,  | ) |  |
| North Dakota; et al.,          | ) |  |
|                                | ) |  |
| Defendants.                    | ) | Case No. 4:07-cv-026   |

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Before the Court is the plaintiff's "Motion to Dismiss Defendants North Dakota State Tax Commissioner, Burke County Director of Tax Equalization, and Montana-Dakota Utilities Co." filed on August 19, 2009.

The Court **GRANTS** the motion (Docket No. 19). Defendants North Dakota State Tax Commissioner, Burke County Director of Tax Equalization, and Montana-Dakota Utilities Co., are dismissed from the above-entitled action with prejudice and without costs to any party.

Dated this 24th day of August, 2009.

/s/ Daniel L. Hovland

Daniel L. Hovland, Chief Judge  
United States District Court